BILL NO. S-91-08- 18

SPECIAL ORDINANCE NO. S- 224-91

AN ORDINANCE approving the awarding of Reference #5012 by the City of Fort Wayne, Indiana, by and through its Department of Purchasing and **ETNA SUPPLY** for the City of Fort Wayne Water Maintenance & Service Department.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA;

SECTION 1. That Reference #5012 between the City of Fort Wayne, by and through its Department of Purchasing and **ETNA SUPPLY** for the City of Fort Wayne Water Maintenance & Service Department, respectfully for:

> **the purchase of copper pipe for the Water Maintenace & Serivce Department;**

involving a total cost of Thirty Thousand Six Hundred Eighty-Eight and 80/100 Dollars ($30,688.80), all as more particularly set forth in said Reference #5012 which is on file in the Office of the Department of Purchasing, and is by reference incorporated herein, made a part hereof, and is hereby in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Councilmember

APPROVED AS TO FORM
AND LEGALITY

J. Timothy McCaulay, City Attorney

REFERENCE NO.	5012
DEPARTMENT:	WATER MAINT & SERV
DATE:	8-7-91
ITEM/SERVICE:	COPPER PIPE
PURCHASING INFORMATION	
ADVERTISED BID:	YES
DATES ADVERTISED:	7-12-91 AND 7-19-91
OPENING DATE:	8-1-91
WRITTEN QUOTE:	NO
DUE DATE:	
VERBAL QUOTE:	NO
SINGLE SOURCE:	NO
NO. OF VENDORS NOTIFIED:	5
NO. OF VENDORS RECEIVING BID/QUOTE	5
NO. OF VENDORS RETURNING BID/QUOTE:	3
NO. OF VENDORS DISQUALIFIED:	0
NO. OF VENDORS NOT RESPONDING:	2
DATE SENT TO DEPT FOR RECOMM:	8-6-91
DATE RECOMM RECEIVED IN PURCH:	8-7-92
COUNCIL INFORMATION	DATES SENT EXTENSION DATES
DATE INFO SENT TO LAW DEPT:	8-7-91
INTRODUCTION DATE:	8-13-91
DISCUSSION DATE:	8-20-91
PASSAGE DATE:	8-27-91
ORDINANCE NO.:	

REFERENCE NO. 5012
WATER MAINTENANCE
COPPER PIPE

DESCRIPTION	QTY	TREATY COMPANY		WAYNE PIPE & SUPP		ETNA SUPPLY		E J P
3/4"X60'RL	15240	$0.98	$14,935.20	$0.94	$14,325.60	$0.90	$13,716.00	NO BID
3/4"X100'RL	4600	$0.98	$4,508.00	$0.94	$4,324.00	$0.90	$4,140.00	
1"X60'RL	4800	$1.25	$6,000.00	$1.20	$5,760.00	$1.14	$5,472.00	
1"X100'RL	3200	$1.25	$4,000.00	$1.20	$3,840.00	$1.14	$3,648.00	
1 1/2"X20'LGTH	680	$1.89	$1,285.20	$2.26	$1,536.80	$2.16	$1,468.80	
2"X20'LGTH	680	$2.98	$2,026.40	$3.49	$2,373.20	$3.30	$2,244.00	
TOTAL			$32,754.80		$32,159.60		$30,688.80	

FRONT PAGE/INVITATION TO BID
DEPARTMENT OF PURCHASING
CITY OF FORT WAYNE, ALLEN COUNTY, INDIANA
ONE MAIN STREET - ROOM 350
PHONE 219-427-1101

BID OPENING DATE 8-1-91 @ 11:00 AM BID REFERENCE # 5012

SEALED BIDS SHOULD BE DELIVERED TO DEPARTMENT OF PURCHASING, ROOM 350, CITY-COUNTY BUILDING UP TO 11:00 A.M. ON OR BEFORE OPENING DATE.

SEALED BIDS WILL BE OPENED PUBLICLY AT 11:01 A.M. IN THE BOARD OF WORKS & SAFETY CONFERENCE ROOM ON THE THIRD FLOOR OF THE CITY-COUNTY BUILDING. "NO LATE BIDS WILL BE ACCEPTED AFTER 11:00 A.M. FOR ANY REASON WHATSOEVER".

THIS INVITATION FOR BID IS FOR TYPE K-SOFT, COPPER PIPE IN A NUMBER OF LENGTHS AND SIZES PER SPECIFICATIONS

AND REQUESTED BY WATER MAINTENANCE & SERVICE

THIS BID REQUIRES A XXX 5% BID BOND, CERTIFIED OR CASHIER'S CHECK OF ALL BIDDERS.

THIS BID REQUIRES A _____ 100% PERFORMANCE BOND OF SUCCESSFUL BIDDER(S).

PROMPT PAYMENT DISCOUNTS WILL BE ALLOWED AS FOLLOWS: _____% IF PAID WITHIN _____ DAYS.

THIS INVITATION IS ISSUED TO ESTABLISH A CONTRACT TO SUPPLY THE CITY OF FORT WAYNE WITH A COMMODITY OR SERVICE IN ACCORDANCE WITH ACCOMPANYING SPECIFICATIONS.

THE EXECUTION HEREOF BY THE BIDDER IS ACCEPTANCE OF ALL TERMS AND CONDITIONS HEREIN AND IN THAT REGARD THE BIDDER AGREES TO BE BOUND BY SAME AND BE BOUND TO THE AMOUNT OF HIS/HER BID FOR A PERIOD OF NINETY (90) DAYS.

FIRM NAME ETNA SUPPLY COMPANY

STREET ADDRESS 529 - 32ND ST SE

CITY GRAND RAPIDS MI PHONE # 1-800-632-4576

BY L. Pilgeter EXECUTIVE VICE-PRESIDENT
REPRESENTATIVE SIGNATURE

CITY OF FORT WAYNE
COPPER PIPE REQUIREMENTS

THE CITY OF FORT WAYNE, INDIANA, IS REQUESTING BIDS FOR THE PURCHASE OF COPPER PIPE FOR THE WATER MAINTENANCE & SERVICE DEPARTMENT.

ALL COPPER WATER SERVICE PIPE SHALL BE TYPE "K" COPPER WATER TUBE, MADE IN ACCORDANCE WITH THE LATEST REVISIONS OF ASTM SPECIFICATIONS B88 OR FEDERAL SPECIFICATIONS WW-T-799, AND SHALL HAVE THE TYPE DESIGNATION AND THE MANUFACTURERS NAME AND/OR SYMBOL STAMPED INTO THE OUTER SURFACE.

PRICES BID MUST BE EXACT AND HELD FIRM THROUGH THE TERM OF THE AGREEMENT. THERE SHALL BE NO ADDITIONAL CHARGES FOR DELIVERY, HANDLING OR ANY OTHER MISC FEES.

TERM OF AGREEMENT: AUGUST 1, 1991 THRU DECEMBER 31, 1991

FOB: FORT WAYNE

PLEASE PRICE THE FOLLOWING COPPER PIPE-TYPE "K" SOFT

SIZE	QTY IN FT	UNIT COST	TOTAL
3/4" X 60 FT (ROLLS)	15240	$ .90	$13,716.00
3/4" X 100 FT (ROLLS)	4600	$ .90	$ 4,140.00
1" X 60 FT (ROLLS)	4800	$1.14	$ 5,472.00
1" X 100 FT (ROLLS)	3200	$1.14	$ 3,648.00
1 1/2" X 20 FT (LENGTHS)	680	$2.16	$ 1,468.80
2" X 20 FT (LENGTHS)	680	$3.30	$ 2,244.00
		TOTAL:	$30,688.80

PLEASE SEND BID RESULTS. SELF-ADDRESSED ENVELOPE ENCLOSED.

Prescribed by the State Board of Accounts

Form No. 99 (Revised 1987)

BID, OFFER OR PROPOSAL FOR SALE OR LEASE OF MATERIALS

(Defined at I.C. 36-1-2-9.5)
(Please type or print)

1. Governmental Unit: CITY OF FT. WAYNE Date: 7/26/91
2. County: ALLEN
3. Bidder (Firm): ETNA SUPPLY COMPANY
   Address: 529 - 32ND ST. SE
   City/State: GRAND RAPIDS MI 49548
4. Telephone Number: 1-800-632-4576
5. Agent of Bidder (If applicable): LARRY POTGETER

Pursuant to notices given, the undersigned offers bid(s) to CITY OF FT. WAYNE (Governmental Unit) in accordance with the following attachment(s) which specify the class or item number or description, quantity, unit, unit price and total amount.

The contract will be awarded by classes or items, in accordance with specifications. Any changes or alterations in the items specified will render such bid void as to that class or item. Bidder promises that he has not offered nor received a less price than the price stated in his bid for the materials included in said bid. Bidder further agrees that he will not withdraw his bid from the office in which it is filed. A certified check or bond shall be filed with each bid if required, and liability for breach shall be enforceable upon the contract, the bond or certified check or both as the case may be.

L. P. Potgeter
Signature of Bidder or Agent

BID OFFER OR PROPOSAL

Attach separate sheet listing each item bid based on specifications published by governing body. Following is an example of the bid format:

Class or Item	Quantity	Unit	Description	Unit Price	Amount

NON-COLLUSION AFFIDAVIT

STATE OF INDIANA)
Allen COUNTY) SS:

The undersigned bidder or agent, being duly sworn on oath, says that he has not, nor has any other member, representative, or agent of the firm, company, corporation or partnership represented by him, entered into any combination, collusion or agreement with any person relative to the price to be bid by anyone at such letting nor to prevent any person from bidding nor to induce anyone to refrain from bidding, and that this bid is made without reference to any other bid and without any agreement, understanding or combination with any other person in reference to such bidding.

He further says that no person or persons, firms, or corporation has, have or will receive directly or indirectly, any rebate, fee, gift, commission or thing of value on account of such sale.

ETNA SUPPLY COMPANY
Bidder (Firm)

L. P. Potgeter
Signature of Bidder or Agent

Subscribed and sworn to before me this 26th day of July, 1991

My Commission Expires: 9/3/91

County of Residence: KENT

Richard A. Andresiak
Notary Public

RICHARD A. ANDRESIAK
Notary Public Printed Name

ACCEPTANCE

There now being sufficient unobligated appropriated funds available, the contracting authority of _____ (Governmental Unit) hereby accepts the terms of the attached bid for classes or items numbered _____ and promises to pay the undersigned bidder upon delivery the price quoted for the materials stipulated in said bid.

Date: _____

Contracting Authority Members:

_____ _____
_____ _____
_____ _____

THE AMERICAN INSTITUTE OF ARCHITECTS

AIA Document A310

Bid Bond

KNOW ALL MEN BY THESE PRESENTS, that we Etna Supply Company, Inc.
Wyoming, Michigan

as Principal, hereinafter call the Principal, and Hartford Fire Insurance Company
Hartford, Connecticut

a corporation duly organized under the laws of the State of Connecticut
as Surety, hereinafter called the Surety, are held and firmly bound unto
City of Fort Wayne, Indiana
as Obligee, hereinafter called the Obligee, in the sum of five percent of amount of bid----

----------Dollars ($ 5%),
for the payment of which sum well and truly to be made, the said Principal and the said Surety, bind ourselves, our heirs, executors, administrators, successors and assigns, jointly and severally, firmly by these presents.

WHEREAS, the Principal has submitted a bid for Supply Only Copper Tubing

NOW, THEREFORE, if the Obligee shall accept the bid of the Principal and the Principal shall enter into a Contract with the Obligee in accordance with the terms of such bid, and give such bond or bonds as may be specified in the bidding or Contract Documents with good and sufficient surety for the faithful performance of such Contract and for the prompt payment of labor and materials furnished in the prosecution thereof, or in the event of the failure of the Principal to enter such Contract and give such bond or bonds, if the Principal shall pay to the Obligee the difference not to exceed the penalty hereof between the amount specified in said bid and such larger amount for which the Obligee may in good faith contract with another party to perform the Work covered by said bid, then this obligation shall be null and void, otherwise to remain in full force and effect.

Signed and sealed this 1st day of August 1991

Mureda Roberts
(Witness)

Etna Supply Company, Inc.
(Principal) (Seal)
L. Potgeter EXECUTIVE VICE-PRESIDENT
(Title)

Kim Gray
(Witness)

Hartford Fire Insurance Company
(Surety) (Seal)
(Title)
Brett E. Harman, Attorney-in-Fact

HARTFORD FIRE INSURANCE COMPANY

Hartford, Connecticut

POWER OF ATTORNEY

420433

Know all men by these Presents, That the HARTFORD FIRE INSURANCE COMPANY, a corporation duly organized under the laws of the State of Connecticut, and having its principal office in the City of Hartford, County of Hartford, State of Connecticut, does hereby make, constitute and appoint

W. W. WARNER, RODNEY BLISS, III, M. J. LONG, WILLIAM W. WARNER,
JOHN BEDNARZ and BRETT E. HARMAN of DES MOINES, IOWA

its true and lawful Attorney(s)-in-Fact, with full power and authority to each of said Attorney(s)-in-Fact, in their separate capacity if more than one is named above, to sign, execute and acknowledge any and all bonds and undertakings and other writings obligatory in the nature thereof on behalf of the Company in its business of guaranteeing the fidelity of persons holding places of public or private trust; guaranteeing the performance of contracts other than insurance policies; guaranteeing the performance of insurance contracts where surety bonds are accepted by states and municipalities, and executing or guaranteeing bonds and undertakings required or permitted in all actions or proceedings or by law allowed,

and to bind the HARTFORD FIRE INSURANCE COMPANY thereby as fully and to the same extent as if such bonds and undertakings and other writings obligatory in the nature thereof were signed by an Executive Officer of the HARTFORD FIRE INSURANCE COMPANY and sealed and attested by one other of such Officers, and hereby ratifies and confirms all that its said Attorney(s)-in-Fact may do in pursuance hereof.

This power of attorney is granted by and under authority of the following provisions:

(1) By-Laws adopted by the Stockholders of the HARTFORD FIRE INSURANCE COMPANY at a meeting duly called and held on the 9th day of March, 1971.

ARTICLE IV

SECTION 8. The President or any Vice-President, acting with any Secretary or Assistant Secretary, shall have power and authority to appoint, for purposes only of executing and attesting bonds and undertakings and other writings obligatory in the nature thereof, one or more Resident Vice-Presidents, Resident Assistant Secretaries and Attorneys-in-Fact and at any time to remove any such Resident Vice-President, Resident Assistant Secretary, or Attorney-in-Fact, and revoke the power and authority given to him.

SECTION 11. Attorneys-in-Fact shall have power and authority, subject to the terms and limitations of the power of attorney issued to them, to execute and deliver on behalf of the Company and to attach the seal of the Company thereto any and all bonds and undertakings and other writings obligatory in the nature thereof, and any such instrument executed by any such Attorney-in-Fact shall be as binding upon the Company as if signed by an Executive Officer and sealed and attested by one other of such Officers.

(2) Excerpt from the Minutes of a meeting of the Board of Directors of the HARTFORD FIRE INSURANCE COMPANY duly called and held on the 11th day of June, 1976:

RESOLVED: Robert N. H. Sener, Assistant Vice-President, shall have as long as he holds such office the same power as any Vice-President under Sections 6, 7 and 8 of Article IV of the By-Laws of the Company.

This power of attorney is signed and sealed by facsimile under and by the authority of the following Resolution adopted by the Directors of the HARTFORD FIRE INSURANCE COMPANY at a meeting duly called and held on the 6th day of August, 1976.

RESOLVED, that, whereas Robert N. H. Sener, Assistant Vice-President, acting with any Secretary or Assistant Secretary, has the power and authority, as long as he holds such office, to appoint by a power of attorney, for purposes only of executing and attesting bonds and undertakings and other writings obligatory in the nature thereof, one or more Resident Vice-Presidents, Assistant Secretaries and Attorney-in-Fact;

Now, therefore, the signatures of such Officers and the seal of the Company may be affixed to any such power of attorney or to any certificate relating thereto by facsimile, and any such power of attorney or certificate bearing such facsimile signatures or facsimile seal shall be valid and binding upon the Company and any such power so executed and certified by facsimile signatures and facsimile seal shall be valid and binding upon the Company in the future with respect to any bond or undertaking to which it is attached.

In Witness Whereof, the HARTFORD FIRE INSURANCE COMPANY has caused these presents to be signed by its Assistant Vice-President, and its corporate seal to be hereto affixed, duly attested by its Secretary, this 18th day of March 1988.

Attest: HARTFORD FIRE INSURANCE COMPANY

Robert J. Mathieu
Secretary

Robert N. H. Sener
Assistant Vice-President

STATE OF CONNECTICUT, }
COUNTY OF HARTFORD, } ss.

On this 18th day of March, A.D. 1988, before me personally came Robert N. H. Sener, to me known, who being by me duly sworn, did depose and say: that he resides in the County of Hartford, State of Connecticut; that he is the Assistant Vice-President of the HARTFORD FIRE INSURANCE COMPANY, the corporation described in and which executed the above instrument; that he knows the seal of said corporation; that the seal affixed to the said instrument is such corporate seal; that it was so affixed by order of the Board of Directors of said corporation and that he signed his name thereto by like order.

Jacqueline T. Derosiers, *Notary Public*
My Commission Expires April 1, 1993

STATE OF CONNECTICUT, }
COUNTY OF HARTFORD, } ss.

CERTIFICATE

I, the undersigned, Assistant Secretary of the HARTFORD FIRE INSURANCE COMPANY, a Connecticut Corporation, DO HEREBY CERTIFY that the foregoing and attached POWER OF ATTORNEY remains in full force and has not been revoked; and furthermore, that the Resolutions of the Board of Directors, set forth in the Power of Attorney, are now in force.

Signed and sealed at the City of Hartford. Dated the 1st day of August 19 91

David A. Johnson
Assistant Secretary

Form S-3507-4 (HF) Printed in U.S.A.

Read the first time in full and on motion by Burns seconded by Edmonds, and duly adopted, read the second time title and referred to the Committee on City of Military Committee (and the City Plan Commission for recommendation) and Public Hearing to be held afte due legal notice, at the Council Conference Room 128, City-County Building Fort Wayne, Indiana, on _____, the _____, da of _____, 19__, at _____ o'clock ____ .M.,E.S

DATED: 8-13-91

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Burns seconded by Gia Quinta, and duly adopted, placed on its passage. PASSED ~~LOST~~ by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT
TOTAL VOTES	8			1
BRADBURY	✓			
BURNS	✓			
EDMONDS	✓			
GiaQUINTA	✓			
HENRY				✓
LONG	✓			
REDD	✓			
SCHMIDT	✓			
TALARICO	✓			

DATED: 8-27-91

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as ~~(ANNEXATION)~~ ~~(APPROPRIATION)~~ ~~(GENERAL)~~ (SPECIAL) ~~(ZONING MAP)~~ ORDINANCE ~~RESOLUTION~~ NO. S-224-91 on the 27th day of August, 1991.

ATTEST

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

SEAL

Samuel J. Talarico
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 28th day of August, 19__ at the hour of 2:00 o'clock P .M.,E.S.T.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 4th day of September 1991, at the hour of 9:00 o'clock A .M.,E.S.T.

P. Helmke
PAUL HELMKE, MAYOR

DIGEST SHEET

TITLE OF ORDINANCE: Special

DEPARTMENT REQUESTING ORDINANCE: Purchasing

SYNOPSIS OF ORDINANCE: An ordinance for the City of Fort Wayne Water Maintenance & Service Dept. approving the award of Ref. No. 5012 for the purchase of copper pipe.

IF NOT LOWEST, WHO WAS AND WHY WERE THEY NOT AWARDED:

EFFECT OF PASSAGE: Installation of new services and repair/replacement of existing services.

S-51-08-18

IF REPLACEMENT, WHAT NECESSITATES: Leaking of old lead services that need to be relocated or replaced.

EFFECT OF NON PASSAGE: We would not be able to install new services or repair existing services.

PRIOR APPROVAL REQUESTED:

MONIES INVOLVED: Etna Supply $30,688.80

PRICE AGREEMENT: No

PURCHASE ORDER: Yes

ACCOUNT INFORMATION: Water Maint/Service 513-523-W154-4299

PRIOR APPROVAL:
(IF APPLICABLE)

BILL NO. S-91-08-18

REPORT OF THE COMMITTEE ON CITY UTILITIES

PAUL M. BURNS, CHAIRMAN
CHARLES B. REDD, VICE CHAIRMAN
EDMONDS, LONG, SCHMIDT

WE, YOUR COMMITTEE ON City Utilities TO WHOM WAS REFERRED AN (ORDINANCE) ~~(RESOLUTION)~~ approving the awarding of Reference #5012 by the City of Fort Wayne, Indiana, by and through its Department of Purchasing and ETNA SUPPLY for the City of Fort Wayne Water Maintenance & Service Department

HAVE HAD SAID (ORDINANCE) ~~(RESOLUTION)~~ UNDER CONSIDERATION AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID (ORDINANCE) ~~(RESOLUTION)~~

DO PASS	DO NOT PASS	ABSTAIN	NO REC

DATED: 8-27-91

Sandra E. Kennedy
City Clerk